

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MANUEL E. SHOTWELL,

Plaintiff,

v.

S. BRANDT, et al.,

Defendants.

Case No.: C 10-5232 CW (PR)

ORDER OF DISMISSAL AND
TERMINATING ALL PENDING MOTIONS

Pursuant to the notice of voluntary dismissal of this action filed by Plaintiff on January 23, 2013, this action is DISMISSED. See Fed. R. Civ. P. 41(a)(1)(A)(i) ("[A]n action may be dismissed by the plaintiff without order of the court . . . by filing a notice of dismissal."); Hamilton v. Shearson-Lehman Am. Exp. Inc., 813 F.2d 1532, 1534-1536 (9th Cir. 1987) (Rule 41(a)(1)(A)(i) does not require leave of court to dismiss the action). The dismissal is without prejudice. See Fed. R. Civ. P. 41(a)(1)(B) (unless plaintiff's notice of dismissal states otherwise, it is deemed to be "without prejudice"); Humphreys v. United States, 272 F.2d 411, 412 (9th Cir. 1959).

The Clerk of the Court shall close the file and terminate all pending motions.

IT IS SO ORDERED.

Dated: 1/24/2013



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE